

Request for Reconsideration, Informal Matters, Claims Pending

The non-final Office Action mailed on 24 April 2006 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 1-10, 16-18 and 25-28 are pending.

Response to Non-Statutory Subject Matter Rejection

Rejection Summary

Claims 16-18 stand rejected under 35 USC 101 as being drawn to non-statutory subject matter allegedly because the ephemeris data issue identifier is "... considered to be functional descriptive material.

Discussion

Claims 16-18 have been amended to recite a "...satellite positioning system ephemeris data issue identifier stored on a computer-readable medium...." Claims 16-18 are now drawn to statutory subject matter recorded on a computer-readable medium since use of technology permits the function of the descriptive material to be realized as provided in MPEP 2106 (IV)(B)(1). Thus the subject matter of Claims 16-18 is statutory. Kindly withdraw the rejection under 35 U.S.C. 101.

Allowability of Claims Over Kingdon & Pratt

Rejection Summary

Claims 16-18 stand rejected under 35 USC 103(a) as being anticipated by Publication No. US 2001/0014604 A1 (Kingdon) in view of U.S. Patent No. 6,611,756 (Pratt).

Discussion of Claim 16

Regarding independent Claim 16, Kingdon and Pratt fail to disclose or suggest a

... satellite positioning system ephemeris data issue identifier stored on a computer-readable medium for transmission to a satellite positioning system enabled mobile station in a cellular communications network, the satellite positioning system ephemeris data issue identifier comprising:
a first field with satellite identifier data; and
a second field with an ephemeris sequence number.

The Examiner concedes that Kingdon fails to disclose "... a first field with satellite identifier data; and a second field with an ephemeris sequence number...." The Examiner's reliance on Pratt to meet the deficiencies of Kingdon however is misplaced.

Pratt discloses a terrestrial base station (10) that receives and compresses ephemeris data from GPS satellites. In Pratt, the ephemeris data is compressed from 900 bits to 408 bits wherein the compressed ephemeris data includes orbital data for a shorter time duration (10-20 seconds) compared to than the uncompressed data, which provide up to 4 hours of orbital data.

Pratt, col. 2, line 62 – col. 3, line 23. FIG. 2 of Pratt illustrates the compressed ephemeris data set, which includes orbital data (position, velocity, acceleration, jerk) among other ephemeris data. Pratt fails to disclose an "ephemeris data issue identifier" including satellite identifier data and ephemeris sequence number. The compressed ephemeris data of Pratt does not an "ephemeris sequence number". Moreover, there is no reason to for Pratt to include the ephemeris sequence number since Pratt the message of Pratt includes the ephemeris data. Claim 16 and the claims that depend therefore are thus patentably distinguished over Kingdon and Pratt.

Discussion of Claim 17

Regarding Claim 17, Kingdon and Pratt fail to disclose or suggest the ephemeris data issue identifier of Claim 16 wherein "... the first field is at least 5 bits, the second field is at least 3 bits." Pratt uses a full byte to identify the space vehicle. Farley refers to the frames that make up the actual ephemeris data. Farley nevertheless fails to disclose providing satellite identifier data using 3 bits. Claim 17 is thus further distinguished over Kingdon and Pratt.

Discussion of Claim 18

Regarding Claim 18, Kingdon and Chen fail to disclose or suggest the ephemeris data issue identifier of Claim 16 is a "broadcast message". Claim 18 is thus further distinguished over Kingdon and Pratt.

ZHAO ET AL.
"GPS Assistance Messages in Cellular
Communications Networks And Methods Therefor"
Atty. Docket No. CS90038

Appl. No. 09/785,960
Confirm. No. 2853
Examiner K. Ferguson
Art Unit 2682

Prayer For Relief

In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ R K Bowler /

ROLAND K. BOWLER II 17 JULY 2006
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